IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71819 of 2019
Arising Out of PS. Case No.-51 Year-2018 Thana- AMBA District- Aurangabad

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SHATRUDHAN KUMAR @ SHATRADHAN KUMAR Son of Lalan Sharma Resident of Village- Shahpur Tikari Road, Ward No.24 Near Shiv Mandir P.S. and District- Aurangabad.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	M/s.Sandeep Kumar &Paras Nath
For the State	:	Mr.Ram Naresh Ray
For the informant	:	Mr. Krishna Prasad Singh, Sr. advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

5 17-03-2020 The learned counsel for the informant filed fresh copy of counter affidavit and a copy of which has already been served on the learned counsel for the petitioner.

Let the same be kept on record.

Heard Mr. Sandeep Kumar, the learned counsel for the petitioner, the learned APP and Sri Krishna Prasad Singh, the learned senior counsel for the informant.

The petitioner seeks bail in Amba P.S. case No. 51/2018 registered under Section 406, 420, 467, 468/34 of the Indian Penal Code.

The informant, in sum and substance, alleged that one Global Trading Service, non banking company, was opened, which claimed to be a registered company. The informant, his wife and brother deposited Rs. 8,50,000/-. The company paid interest thereon for few months but thereafter the company stopped payment of interest. The informant named the petitioner as Zonal Manager of the company. It is further alleged that the company purchased land in the name of the officers of the company, including the petitioner, Shatrudhan Kumar.

Thereafter, a new company, namely, Bhumiputra Associates Pvt. Ltd has been opened in order to siphon the entire amount deposited by the innocent investors in Global Trading Services.

The learned counsel for the petitioner submits that although the informant named the petitioner as an accused and alleged that petitioner was Zonal Manager of the company but in fact the petitioner was also an agent of the company. The petitioner also deposited money in the company. Maturation of the deposited amount is in the year 2021-2022. It is further submitted that the company issued post dated cheques in the name of informant, his wife and brother according to maturation date of the amount deposited by the informant and others. There is no allegation that petitioner defalcated any amount or cheated any person. If any amount is misappropriated for that the Managing Director of the company and the company is responsible and liable for prosecution and not the petitioner. It is further submitted that petitioner has not purchased any land from the money of the company and the petitioner undertakes not to sell any property standing in his name, said to have been purchased from the fund of the company. The petitioner is in custody since 27.09.2019 and he deserves bail but the learned APP and Sri Krishna Prasad Singh, the learned senior counsel for the informant, opposed the prayer for bail and submitted, referring to the counter affidavit, that one Bhumiputra Associates Pvt. Limited company is formed and land was purchased in the name of petitioner and three others, namely, Ashok Kumar Sharma, Yashwant Kumar Singh and Arwind Kumar Sinha. It is submitted that, of course, post dated cheque was issued in the name of informant and his family members but those cheques are of no value as the company has been closed and no transaction is being made. It is further submitted that petitioner being Zonal Manager of the company is responsible and liable for the deposited money of the investors.

It appears from perusal of the FIR and the case diary that Sarfaraz Alam, the informant, named the petitioner as Zonal Manager of the company and he further alleged that from the fund of the company Prabhu Kumar and other officers of the company purchased land in Bokaro, Ranchi and Durgapur in their names but the learned counsel for the petitioner submits that petitioner was not an officer of the company rather he was also an agent of the company. The petitioner also deposited money in the company. The company issued post dated cheques in the name of petitioner. Similarly, the company also issued cheques in the name of informant and his family members. The petitioner undertakes that he would not execute any sale deed with regard to the land purchased in his name along with Ashok Kumar Sharma, Yashwant Kumar Singh and Arwind Kumar Sinha.

Considering the facts aforesaid and the nature of allegation made against the petitioner and the fact that petitioner has already remained in jail for more that five and half months, the petitioner, above named is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Amba P.S. case No. 51/2018.

BKS/-

(Prabhat Kumar Jha, J)

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